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**Patti Huber**, Assistant Chief  
Division of Labor Standards Enforcement

June 2019

## SECOND AMENDED LETTER

Dear Talent Agent:

I want to inform you of a new law that went into effect on January 1, 2019, that affects every talent agent (TA) operating in California. The Governor signed Assembly Bill 2338 (AB 2338), which includes additional responsibilities for TAs in educating their artists about preventing sexual harassment, nutrition, and eating disorders.

Given the importance of this issue, I hope this letter assists you in complying with the new requirements in this law.

### **1. Enforcement begins June 30, 2019.**

- The Labor Commissioner will not enforce these new provisions until June 30, 2019.

**2. TAs are required to provide educational materials on sexual harassment prevention, retaliation, and reporting resources to their adult artists within 90 days of agreeing to representation** (Labor Code section 1700.50(a)). You may comply with this requirement by:

- Providing the educational materials within 90 days of agreeing to represent, procuring an engagement, meeting, or interview, whichever comes first.

**3. The educational materials on sexual harassment shall include, at minimum, the components specified in the Department of Fair Employment and Housing's Form 185, and shall be in the language understood by the artist** (Labor Code sections 1700.50(b) & (c)). You may comply with these requirements by:

- Providing the materials in the language the artist understands; or
- Having the materials interpreted for the artist in the language the artist understands.
- The educational materials may be provided electronically, via internet website, or other means.

**4. TAs are required to provide educational materials on nutrition and eating disorders to their adult artist within 90 days of agreeing to representation** (Labor Code section 1700.51(a)). You may comply with this requirement by:

- Providing the educational materials within 90 days of agreeing to represent, procuring an engagement, meeting, or interview, whichever comes first.

**5. The educational materials on nutrition and eating disorders shall include, at minimum, the components specified in the National Institute of Health's Eating Disorders Internet Web Site, and shall be in the language understood by the artist** (Labor Code sections 1700.50(b) & (c)). You may comply with these requirements by:

- Providing the materials in the language the artist understands; or
- Having the materials interpreted for the artist in the language the artist understands.

- The educational materials may be provided electronically, via internet website, or other means.

**6. TAs must keep record for three (3) years confirming compliance with the sexual harassment, nutrition, and eating disorders educational materials requirement** (Labor Code sections 1700.50(d) & 1700.51(d)).

**7. TA license renewal applicants shall confirm that the TA has and will continue to comply with the sexual harassment, nutrition, and eating disorders educational materials requirement** (Labor Code section 1700.53). You may comply with this requirement by:

- Confirming your compliance by signing the certification section of your renewal application.

**8. Labor Code section 1700.54 makes it a violation to fail to ensure that educational materials are made available to an adult artist, fail to make available educational materials in a language understood by the artist, or fail to request and retain a minor's entertainment work permit.**

- The Labor Commissioner has the right to inspect or investigate whether TAs comply with AB 2338 requirements. (Labor Code section 1700.54(b)).
- The Labor Commissioner may revoke a license for any violation of the Talent Agencies Act (Labor Code section 1700.00 et seq.).

Also, included is a list of educational material resources:

- Department of Fair Employment and Housing Poster and Brochures:<sup>1</sup>  
[https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH\\_SexualHarassmentPoster.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH_SexualHarassmentPoster.pdf)  
[https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH\\_SexualHarassmentPamphlet.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH_SexualHarassmentPamphlet.pdf)
- Department of Fair Employment and Housing Sexual Harassment FAQs:  
<https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/sexual-harassment-faqs>
- National Institute of Health's Eating Disorders Internet Web site:  
[www.nimh.nih.gov/health/topics/eating-disorders/index.shtml](http://www.nimh.nih.gov/health/topics/eating-disorders/index.shtml)

Thank you for your ongoing commitment to compliance and for educating yourself and your artists in sexual harassment prevention, nutrition, and eating disorders in this important and valued industry in California.

Sincerely,



Patti Huber  
Assistant Chief

<sup>1</sup> DFEH – 185 – Spanish – [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH\\_SexualHarassmentPamphlet\\_SP.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH_SexualHarassmentPamphlet_SP.pdf)  
 DFEH – 185 – Chinese – [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH\\_SexualHarassmentPamphlet\\_CH.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH_SexualHarassmentPamphlet_CH.pdf)  
 DFEH – 185 – Korean – [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH\\_SexualHarassmentPamphlet\\_K.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH_SexualHarassmentPamphlet_K.pdf)  
 DFEH – 185 – Tagalog – [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH\\_SexualHarassmentPamphlet\\_TG.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH_SexualHarassmentPamphlet_TG.pdf)  
 DFEH – 185 – Vietnamese – [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH\\_SexualHarassmentPamphlet\\_VT.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/DFEH_SexualHarassmentPamphlet_VT.pdf)

